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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-1-07

SPONSOR Trujillo LAST UPDATED \_\_\_\_\_ HB 150/HCPACS

SHORT TITLE Georgia O’Keeffe Museum Tenth Anniversary SB \_\_\_\_\_

ANALYST Dearing

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$250.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Substitutes HB150

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

Cultural Affairs Department (CAD)

Attorney General’s Office (AGO)

### SUMMARY

#### Synopsis of Bill

The House Consumer and Public Affairs Committee Substitute for House Bill 150 appropriates \$250 thousand from the general fund to department of Tourism for the purpose of celebrating the year-long, tenth anniversary of the Georgia O’Keeffe Museum in Santa Fe.

### FISCAL IMPLICATIONS

The appropriation of \$250 thousand contained in this House Bill 150 is a nonrecurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

**SIGNIFICANT ISSUES**

Georgia O’Keeffe continues to play a prominent role in the history and culture of Santa Fe. The Georgia O’Keeffe Museum – which is not a part of the State museum system as administered by the DCA – will be celebrating its 10th anniversary during 2007, Cultural Affairs department has a preliminary understanding that the funds are intended to promote and advertise several items:

The museum’s year-long 10th anniversary events, including a concert by an internationally-recognized performing artist, a lecture by U.S. Supreme Court Justice Ruth Bader Ginsburg and a theatrical performance by Joan Allen of film and theater. Additionally, the appropriation will fund exhibitions organized by the museum that will travel outside of the state and will provide national exposure of New Mexico’s cultural treasures; and a statewide community day celebration at which time the museum will be free and open to the public.

According to the Cultural Affairs department, when the O’Keeffe Museum opened in 1997, other state-run museums in Santa Fe enjoyed sizeable increases in attendance.

According to the Attorney General’s office, as the Georgia O’Keeffe Museum is a non-profit corporation (SCC # 1762558), use of state funds to promote a tenth anniversary celebration must ensure the provision of consideration to the general public and/or the State of New Mexico in order to avoid constitutional anti-donation clause issues.

The significant difference in the HCPAC committee substitute is that the funding is appropriated to the department of Tourism, whereas this was initially directed to the department of Cultural Affairs for the same purpose of celebrating the tenth anniversary of the Georgia O’Keeffe Museum in Santa Fe.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If House Bill 150 is not enacted, the celebration for the tenth anniversary of the Georgia O’Keeffe Museum in Santa Fe would not receive state general funds.

**POSSIBLE QUESTIONS**

Would passage of this act possibility violate the anti-donation clause of the New Mexico Constitution, Article IV., Section 31, Appropriations for Charitable, Educational, etc. purposes?

PD/mt